

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NICOLE HINSON, Individually and as)
Next Friend of C.H., a Minor; and)
CAMERON HINSON, Texas residents,)
Plaintiffs) Case No. 2:15-cv-00713-JRG-RSP
v.)
DOREL JUVENILE GROUP, INC., a)
Massachusetts corporation,)
Defendant.)

**AGREED MOTION TO AMEND DOCKET CONTROL ORDER WITH REGARD
TO DISPOSTIVE MOTIONS AND DAUBERT MOTIONS**

TO THE HONORABLE MAGISTRATE JUDGE ROY S. PAYNE:

COMES NOW Defendant Dorel Juvenile Group, Inc. ("DJG") and Plaintiffs Nicole and Cameron Hinson ("Hinsons") and file this Agreed Motion to Amend the Court's Amended Docket Control Order dated December 17, 2016. In support of this motion, DJG and the Hinsons respectfully show as follows:

I.

**Good Cause Exists to Modify the Court's Dispositive and Daubert Motions Deadline
by One Business Day**

A Court's scheduling order may be modified upon a showing of good cause and with the Court's consent. FED. R. CIV. P. 16(b)(4); *S&W Enters v. South Trust Bank*, 315 F.3d 533, 535 (5th Cir. 2003). The good cause standard requires the "party seeking relief to show that the deadlines cannot reasonably be met despite the diligence of the party needing the extension." 6A Charles Alan Wright et al., Federal Practice and Procedure §

1522.1 (2d ed. 1990). *S&W Enters*, 315 F.3d at 535. The parties would show the Court that they have exercised diligence in seeking to meet the Court's April 29, 2016 Dispositive and Daubert Motions deadline, but despite such diligence they cannot meet the Court's current deadline using reasonable means.

The parties agree that both sides would benefit by having the weekend and Monday to work on their respective Daubert and Dispositive Motions. Due to the number of experts and the complex issues in the case, both sides will be filing a number of these motions. The parties agree that an extension of the April 29, 2016 deadline to May 2, 2016 will result in better drafted and briefed Motions to present to the Court. For these reasons, the parties respectfully request the Court grant this short extension.

II.

Amended Docket Control Order

Pursuant to the Court's Docket Control Order instructions, attached as Exhibit "A" is the Amended Docket Control Order proposed by DJG and the Hinsons. The Parties agree to use their best efforts to meet all these deadlines in the event the Court grants this Motion. This motion is not just for delay but so that justice may be done.

III.

CONCLUSION

Good cause exists for the Court to grant the parties a one business day extension of the Dispositive and Daubert Motion deadline contained in the Court's Docket Control Order in order to properly prepare this the motions and briefing in an orderly

fashion. Therefore, DJG and the Hinsons request the Court enter the proposed Amended Docket Control Order attached hereto as Exhibit "A".

Dated: April 28, 2016

DOREL JUVENILE GROUP, INC.

/s/ Anthony A. Avey
Jonathan Judge (pro hac vice)
SCHIFF HARDIN LLP
233 S. Wacker Drive, Suite 6600
Chicago, IL 60606
Telephone: (312) 258-5500
Facsimile: (312) 258-5600
jjudge@schiffhardin.com

Anthony A. Avey
AVEY & ASSOCIATES PLLC
14255 Blanco Rd.
San Antonio, TX 78216
(210) 308-6600
(210) 308-6939 – facsimile
tavey@aveylaw.com

Attorneys for Defendant Dorel Juvenile Group, Inc.

/s/ Jeffrey T. Embry
Jeffrey T. Embry
State Bar No. 24002052
Attorney-in-Charge
George Cowden IV State Bar No. 24071492
HOSSLEY & EMBRY, LLP
320 S. Broadway, Suite 100
Tyler, Texas 75702
Ph. 903-526-1772
Fax. 903-526-1773

ATTORNEYS FOR PLAINTIFFS

